

12726. Adulteration and misbranding of chocolate concentrate. U. S. v. 4 Cans of Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18683. I. S. No. 2439-v. S. No. E-4841.)

On May 15, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cans of chocolate concentrate, at Kecksburg, Pa., alleging that the article had been shipped by Jack Beverages, Inc., from New York, N. Y., on or about April 2, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "5 Gals. Real Chocolate Concentrate Contains Sodium Benzoate for less than 1-10 of 1% * * * Jack Beverages, Inc. * * * New York."

Adulteration of the article was alleged in the libel for the reason that glucose had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, salicylic acid, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement in the labeling, "Real Chocolate Concentrate," was false and misleading and deceived and misled the purchaser.

On September 26, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12727. Adulteration of tomato paste. U. S. v. 450 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18413. I. S. No. 2321-v. S. No. E-4756.)

On February 25, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 450 cases of tomato paste, in part at Pittsburgh, Pa., and in part at Monessen, Pa., alleging that the article had been shipped by the Mt. Holly Canning Co., Mt. Holly, N. J., between the dates of August 25 and October 27, 1923, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Savoy Brand Pure Tomato Paste * * * Packed By Mt. Holly Canning Co. Mt. Holly, N. J."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On September 26, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12728. Adulteration and misbranding of prepared mustard. U. S. v. 18 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18798. I. S. No. 12955-v. S. No. E-4864.)

On June 9, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 cases of prepared mustard, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Federal Food Products Co., from Newark, N. J., on or about May 15, 1924, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Apex Brand 8 Ounces Net Mustard Bran Prepared Mustard Made From Mustard Seed, Pure Spices, Turmeric, Salt And Distilled Vinegar."

Adulteration of the article was alleged in the libel for the reason that a substance, mustard bran, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, for the further reason that imitation mustard had been substituted wholly or in part for the

said article, and for the further reason that it was colored in a manner which concealed its inferiority.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Prepared Mustard 8 Ounces Net Importers and Manufacturers Meyer & Carmody Import Co., Inc. N. Y.," was false and misleading and deceived and misled the purchaser, for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, and for the further reason that it was an imitation of or offered for sale under the distinctive name of another article.

On October 8, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Secretary of Agriculture.*

12729. Adulteration and misbranding of flour. U. S. v. 500 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18390. I. S. No. 7481-v. S. No. C-4287.)

On February 15, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of flour, remaining in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Acme Milling Co., from Oklahoma City, Okla., on or about January 12, 1924, and transported from the State of Oklahoma into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Acme Milling Company Oklahoma City, Okla., * * * Bleached 98 Lbs Acme."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement in the labeling, "98 Lbs," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1924, the H. Weil Baking Co., New Orleans, La., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be repacked, the weight correctly stated, and the moisture content reduced to the standard permitted.

HOWARD M. GORE, *Secretary of Agriculture.*

12730. Misbranding of butter. U. S. v. 160 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17725. I. S. No. 7111-v. S. No. C-4105.)

On August 16, 1923, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 160 cases of butter, remaining in the original unbroken packages at Baton Rouge, La., alleging that the article had been shipped by Swift & Co., from Enid, Okla., August 6, 1923, and transported from the State of Oklahoma into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Brookfield Creamery Butter 1 Lb. Net Weight Swift & Company, Distributor"; (case) "32 Lbs. Brookfield Creamery Butter."

Misbranding of the article was alleged in the libel for the reason that the statements on the respective labels, "32 Lbs." and "1 Lb. Net Weight." were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside thereof.